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S. WOOLARD, JR., and APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARTIN VOGEL and KENNETH
MAHONEY, on Behalf of Themselves
and All Others Similarly Situated,

Plaintiffs,

v.

STEVEN P. JOBS, PETER OPPENHEIMER,
FRED ANDERSON, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
ALBERT GORE, JR., ARTHUR D.
LEVINSON, JEROME P. YORK and
APPLE COMPUTER, INC.,

Defendants.

Case No. C06-05208-JF

**DECLARATION OF VIVI N. TRAN
IN SUPPORT OF OPPOSITION TO
MOTION FOR LEAVE TO FILE
FIRST AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT**

Date: March 14, 2008
Time: 9:00 a.m.
Department: Ctrm 3, 5th Floor
Judge: Honorable Jeremy Fogel

DECLARATION OF VIVI N. TRAN

I, VIVI N. TRAN, declare as follows:

1. I am an attorney duly licensed before all of the courts of the State of California and the United States District Court for the Northern District of California. I am an associate in the law firm of O'Melveny & Myers LLP, counsel of record for defendants Steven P. Jobs, William V. Campbell, Millard S. Drexler, Arthur D. Levinson, Jerome B. York, Gareth C.C. Chang, Peter O. Crisp, Lawrence J. Ellison, B. Jurgen Hintz, Katherine M. Hudson, Delano E. Lewis, A.C. Markkula, Jr., Edgar Woolard, Jr., and Apple Inc.

I make this declaration in support of the Opposition to Motion for Leave to File First Amended Consolidated Class Action Complaint. I have personal knowledge of the matters stated herein and, if called upon, could competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of relevant portions of the Transcript of Proceedings, *Vogel, et al. v. Jobs, et al.*, No. C06-05208-JF and *In re Apple Inc. Derivative Litigation*, No. C06-04128-JF (N.D. Cal. Sept. 7, 2007).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of January 2008 at Menlo Park, California.

/s/ Vivi N. Tran
Vivi N. Tran

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